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Attorneys for Plaintiff
LORD & SONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LORD & SONS, INC.,

Plaintiff,

v.

WILLIAM J. THOMPSON; TOMARCO
CONTRACTOR SPECIALTIES, INC.;
TOMARCO FASTENING SYSTEMS;
CONSTRUCTION ENGINEERED
ATTACHMENT SOLUTIONS; HEAD
FIRST PRODUCTS INC.,

Defendants.

Case No. C07-05496 EMC

**DECLARATION OF MICHAEL A. SANDS
IN SUPPORT OF PLAINTIFF LORD &
SONS, INC.'S *EX PARTE* APPLICATION
TO CONTINUE CASE MANAGEMENT
CONFERENCE**

I, Michael A. Sands, declare as follows:

1. I am an attorney duly admitted to practice in California and before this Court. I am a partner with the law firm of Fenwick & West LLP in Mountain View, California, counsel for plaintiff Lord & Sons, Inc. ("Lord & Sons") in the above-captioned action. I submit this Declaration in support of Lord & Sons's *Ex Parte* Application to Continue Case Management Conference. I make this declaration of my own personal knowledge, except where indicated, and, if called as a witness, I could and would testify competently to the facts set forth herein.

2. Lord & Sons is a California corporation with its principal place of business at 430 East Trimble Road, San Jose, California.

**SANDS DECL ISO *EX PARTE*
APPLICATION TO CONTINUE CMC**

CASE NO. C07-05496 EMC

3. Defendant William J. Thompson is an individual residing, on information and belief, at 11 Hillsborough, Newport Beach, California. Thompson is the sole named inventor on United States Design Patent No. D528,900 (“the ‘900 Patent”), which claims a design for a certain type of construction fastener.

4. Defendants Tomarco Contractor Specialties, Inc. and Tomarco Fastening Systems are corporations, forms unknown, both with principal places of business at 6600 Artesia Blvd., Buena Park, California (collectively, “Tomarco”).

5. Defendant Construction Engineered Attachment Solutions is a corporation, form unknown, with a principal place of business at 14848 Northam Street, La Mirada, California (“CEAS”).

6. Defendant Head First Products Inc. is a corporation, form unknown, with a principal place of business at 6600 Artesia Blvd., Buena Park, California (“Head First”).

7. In response to Defendants’ allegations of infringement of the ‘900 patent, Lord & Sons filed the instant action on October 29, 2007 seeking a declaration of noninfringement and invalidity of the ‘900 Patent. Immediately after filing, Lord & Sons provided a courtesy copy of the Complaint in this case to counsel for Defendants.

8. Following Defendants’ receipt of the Complaint, the parties began negotiations in an attempt to resolve their dispute without the need for active litigation. Those negotiations have been productive, and Lord & Sons expects that a full settlement will be finalized in the near future and will likely include a dismissal of this case.

9. Because the parties are presently engaged in settlement negotiations, Lord & Sons has not yet formally served the Complaint on Defendants.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. This Declaration is executed this 24th day of January, 2008, in Mountain View, California.

/s/

Michael A. Sands